

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

ELECTION SYSTEMS & SOFTWARE,
INC.,

Case No. 8:09-cv-311

Plaintiff,

v.

JAMES DALTON, MARK ALLISON and
DALTON CONSULTING, LLC,

Defendants.

**STIPULATION TO DISMISS WITH
PREJUDICE**

Plaintiff Election Systems & Software, Inc. and Defendants James Dalton and Dalton Consulting, LLC jointly stipulate and respectfully move for dismissal with prejudice of Plaintiff's claims against Defendants with each party to pay their own costs and attorneys fees.

Pursuant to Local Rule 11.1(a)(3), the undersigned counsel for Election Systems & Software, Inc. represents that Defendants James Dalton and Dalton Consulting, LLC have consented to the filing of this joint motion.

WHEREFORE, Plaintiff Election Systems & Software, Inc. and Defendants James Dalton and Dalton Consulting respectfully pray that the Court dismiss with prejudice Plaintiff's claims against Defendants with each party paying their own costs and attorneys fees.

Dated this 19th day of October 2010.

ELECTION SYSTEMS & SOFTWARE,
INC., Plaintiff,

By: /s/ Kristin M.V. Farwell

Michael C. Cox, #17588
Kristin M.V. Farwell, #23919
KOLEY JESSEN P.C., L.L.O.
One Pacific Place, Suite 800
1125 South 103rd Street
Omaha, NE 68124-1079
(402) 390 9500
(402) 390 9005 (facsimile)
Mike.Cox@koleyjessen.com
Kristin.Farwell@koleyjessen.com

Attorneys for Plaintiff.

JAMES DALTON and DALTON
CONSULTING, LLC,

By: /s/ Erin L. Ebeler

Erin L. Ebeler
Terry C. Dougherty
Woods & Aitken LLP
301 S. 13th Street, Suite 500
Lincoln, NE 68508-2578
eebeler@woodsaitken.com
tdougherty@woodsaitken.com

Attorneys for Defendants.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 19th day of October 2010, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to all CM/ECF participants.

Erin L. Ebeler
Terry C. Dougherty
Woods & Aitken LLP
301 S. 13th Street, Suite 500
Lincoln, NE 68508-2578
eebeler@woodsaitken.com
tdougherty@woodsaitken.com

/s/ Kristin M.V. Farwell
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